

## **REMARKS**

### **1. Present Status of Patent Application**

Claims 1, 4-5, 7, 9-15, 34-37, and 39 remain pending in the present application. Claims 2-3, 6, 8, 16-33, and 38 have been canceled. Claims 1, 4, 7, 34, and 39 have been amended. These amendments are specifically delineated in the listing of claims herein. It is believed that the foregoing amendments add no new matter to the present application.

The cancellation of claims seeks to expedite the prosecution of this application, and therefore are so cancelled without prejudice to filing a continuation application.

### **2. Response to Rejections of Claims under 35 USC 112.**

Claims 4, 7, and 39 are not indefinite. Claims 4, 7, and 39 have been amended.

Claims 4, 7, and 39 have been amended to clarify that the solvent is “glycol ether solvent.”

### **3. Response to Rejections of Claims under 35 USC 103.**

Claims 1, 4-5, 7-17, 20-22, 26-27, 31-37, and 39 are not Rendered Obvious by WO ‘435 in light of WO ‘650 and Policicchio. Claims 1 and 34 have been amended; and claims 16-17 and 20-22, and 31-33 have been canceled.

Claims 4-5, 7, and 9-15 are dependent on amended Claim 1. Claim 1 has been amended to include the limitations “wherein said cleaning implement comprises a handle, a cleaning head, and an attachment structure for an aerosol canister.”

Claims 35-37 and 39 are dependent on amended Claim 34. Claim 34 has been amended to include the limitations “wherein said cleaning implement comprises a handle, a cleaning head, and an attachment structure for an aerosol canister.”

As set forth by the Federal Circuit in *In re Johnston*, 435 F.3d 1381, 1384-85 (Fed. Cir. 2006):

Precedent requires that to find a combination obvious there must be some teaching, suggestion, or motivation in the prior art to select the teachings of separate references and combine them to produce the claimed combination. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1385 (Fed. Cir. 2001) ("In holding an invention obvious in view of a combination of references, there must be some suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to select the references and combine them in the way that would produce the claimed invention."); *In re Dance*, 160 F.3d 1339, 1343 (Fed. Cir. 1998) ("When the references are in the same field as that of the applicant's invention, knowledge thereof is presumed. However, the test of whether it would have been obvious to select specific teachings and combine them as did the applicant must still be met by identification of some suggestion, teaching, or motivation in the prior art, arising from what the prior art would have taught a person of ordinary skill in the field of the invention."); *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988) (there must be "some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references"); *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143 (Fed. Cir. 1985) ("When prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself.").

#### WO '435

The Office Action asserts that WO '435 discloses a method of cleaning earpets that includes "wiping the carpet with [a] disposable cleaning substrate." To the contrary, WO '435 actually relates to "cleaning compositions of carpets that do not require rubbing, scrubbing, or vacuuming." (p. 1, lines 6-7) In other words, an absence of wiping is taught. The elimination of wiping, rubbing or scrubbing is accomplished as a result of the "quick breaking of the foam or bubbling action [that] permits the spot to be blotted up." (p.4, lines 10-11) Further, the composition includes a "propellant." (p. 3, line 30) for use in an aerosol dispenser (p. 9, lines 16-18)

Thus, WO '435 does not teach or suggest wiping of the carpet, let alone wiping of the carpet with a disposable cleaning substrate. And, WO '435 does not teach or suggest the use of a cleaning implement having among other things, a handle and cleaning head.

In contrast, and what is omitted from WO '435, the present invention provides in amended claims 1 and 34 "wiping the carpet with a cleaning implement," wherein the cleaning implement includes "a handle, a cleaning head, and an attachment structure for

an aerosol canister.”

### **WO ‘650**

Also asserted by the Office Action is that WO ‘650 teaches the use of a “cleaning substrate” for carpet cleaning. More accurately, WO ‘650 provides a “cleaning composition impregnated on a woven or non-woven wipe.” (p.1, lines 10-12) In that regard, a “*re-sealable or single use container for dispensing the wipe*” is provided. (p. 3, line 15) “Suitable containers include, for example, a canister, tub, tray, flexible pouch and packette.” (p. 4, lines 10-11) “The stain or area to be cleaned is *wiped repeatedly* with at least one of the impregnated wipes of the present invention, refolding the wipe as necessary until the desired degree of cleaning is achieved.” (p. 13, lines 6-9) In other words, a wipe is used to “*rub* the stain . . . in a back and forth motion.” (p. 19, line 9-10)

The Office Action further asserts that the teachings of WO ‘650 can be combined with the teachings of WO ‘435. Applicants disagree as there is no motivation to combine. On the one hand, WO ‘650 teaches a cleaning method that *includes* wiping or rubbing, while on the other hand, WO ‘435 teaches a method that *omits* the need of wiping or rubbing. Thus, the references teach diametrically opposed steps and goals - so opposed in fact, that one skilled in the art would not be motivated to combine WO ‘650 and WO ‘435.

In addition, WO ‘650 teaches a cleaning composition that is dispensed via a wipe while WO ‘435 teaches a cleaning composition that is dispensed via an aerosol container. Again, the references teach divergent steps and goals – with WO ‘650 using an *indirect* method of applying a cleaning composition indirectly to the carpet via a wipe that must contact the carpet and with WO ‘435 using a *direct* method of applying a cleaning composition directly to the carpet. Thus, there is an absence of motivation to combine these references that teach away from one another.

Even if properly combined, what is still omitted from WO ‘650 and WO ‘435, but is in the present invention in amended claims 1 and 34 is “wiping the carpet with a cleaning implement,” wherein the cleaning implement includes “a handle, a cleaning head, and an attachment structure for an aerosol canister.”

**Policicchio**

The Office Action asserts that Policicchio teaches the cleaning of “floors.” More accurately, Policicchio teaches “hard surface” cleaning compositions for use with cleaning pads and cleaning implements. (col. 2, lines 42-44) What does not appear to be disclosed or suggested is the use of aerosol dispensers.

In contrast, and what is omitted from Policicchio, the present invention provides in amended claims 1 and 34 a cleaning composition having a “propellant” for use in an aerosol dispenser.

The Office Action further asserts that the teachings of WO ‘650 and WO ‘435 can be combined with the teachings of Policicchio. Applicants disagree as there is no motivation to combine. On the one hand, Policicchio teaches the cleaning of hard surfaces while on the other hand, WO ‘650 and WO ‘435 teach the cleaning of soft surfaces (i.e., carpet). With diametrically opposed applications, one skilled in the art would not be motivated to combine WO ‘650/WO ‘435 with Policicchio.

Accordingly, the present invention is not rendered obvious in view of the above references, either alone or in combination with one another.

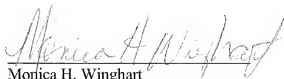
**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated., and that the now pending Claims 1, 4-5, 7, 9-15, 34-37, and 39 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this

matter, the Examiner is invited to call the undersigned attorney at (510) 271-7288.

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Respectfully submitted,  
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A handwritten signature in cursive script, appearing to read "Monica H. Winghart", written over a horizontal line.

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